

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

V.

IVAN HOWARD, GEORGE ANDREWS, JAMES PARKER, KYLE WILLIAMS, ZEEV VICMAN and SMARTRADE LTD.,

## Defendants.

No. 07 Civ. 8134 (DC)

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.:

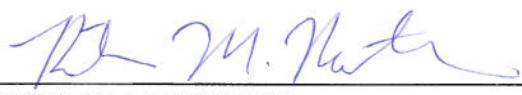
RITA M. MARTINEZ, being duly sworn, deposes and says:

1. I am an employee with the law firm of Heller Ehrman LLP, 7 Times Square, New York, New York 10036, attorneys for Plaintiff Philip Morris USA Inc. I am over the age of 18 years and not a party to this action.

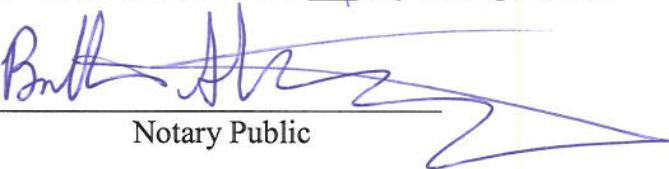
2. On August 4, 2008, pursuant to the Order of the Honorable Denny Chin dated January 9, 2008 granting Philip Morris USA Inc.'s request for leave to serve process by e-mail on Defendants Ivan Howard, George Andrews, James Parker, Kyle Williams, Zeev Vicman and Smartrade Ltd. ("the January 9, 2008 Order"), a copy of which is attached as Exhibit A, I served copies of the Notice of Motion for Default Judgment and Order granting Injunctive Relief, the Proposed Default Judgment and Permanent Injunction, and the Affidavit of Brittan J. Strangways and accompanying exhibits by electronic mail to the e-mail addresses:

marketing@paylesssmoke.com; domreg@imhosted.com; linkanatorno1@yahoo.com; 123smoke.com@domainsbyproxy.com; ivan.howard@gmail.com; bm7@zahav.net.il; woland-

band@yahoo.com; james@smartrade.info; zeevos@smartrade.info. Due to the large size of the attachments, I sent the transmission in two parts, with the first part containing the Notice of Motion for Default Judgment and Order granting Injunctive Relief and the Affidavit of Brittan J. Strangways and Exhibit A thereto, and the second part containing Exhibits B-E to the Affidavit and the Proposed Default Judgment and Permanent Injunction. Copies of the e-mail transmissions sent to the Defendants, without the attachments, are attached as Exhibit B.

  
RITA M. MARTINEZ

Sworn to before me this 4 day of August, 2008

  
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Notary Public

BRITTAN STRANGWAYS  
Notary Public, State of New York  
N.Y. #EST5178598  
Qualified in New York County  
Commission Expires December 3, 2011